

CHAPTER 33
RESOURCE ENHANCEMENT AND PROTECTION PROGRAM:
COUNTY, CITY AND PRIVATE OPEN SPACES GRANT PROGRAMS

Part 1
GENERAL PROVISIONS

571—33.1(455A) Purpose. The purpose of these rules is to define procedures for the administration of the private cost-sharing funds within the open spaces account, the county conservation account, and the city park and open spaces account of the resource enhancement and protection fund.

571—33.2(455A) Resource enhancement policy. The resource enhancement and protection program and its various elements shall constitute a long-term integrated effort to wisely use and protect Iowa's natural resources through the acquisition and management of public lands, the upgrading of public park and preserve facilities; environmental education, monitoring, and research; and other environmentally sound means. Expenditure of funds from the county conservation account, the city park and open spaces account and the private cost-sharing portion of the open spaces account shall be in accord with this policy.

571—33.3(455A) Definitions.

"County resource enhancement committee" means the county resource enhancement committee created in 1989 Iowa Acts, chapter 236, section 7 [Iowa Code section 455A.20].

"Department" means the department of natural resources created in Iowa Code section 455A.2.

"Director" means the director of the department of natural resources.

"Natural resource commission" means the natural resource commission of the department created in Iowa Code section 455A.5.

"Open spaces" means those natural or cultural resource areas that contain natural vegetation, fish, wildlife, or have historic, scenic, recreation and education value. Examples of open spaces in cities and towns include, but are not limited to, parks, riverfronts and town squares. In rural areas, open spaces include, but are not limited to, such areas as woodlands, prairies, marshlands, river corridors, lake shores, parks and wildlife areas.

571—33.4(455A) Restrictions. Funds allocated to cities and counties under this chapter shall not be used for single or multipurpose athletic fields, baseball or softball diamonds, tennis courts, golf courses, swimming pools, and other group or organized sport facilities.

571—33.5(455A) Grant applications, general procedures.

33.5(1) Any project submitted from a city or county for grant consideration or for the private cost-sharing program must first have been reviewed and commented on by the county resource enhancement committee from the county in which the project is located. Application must include documentation of that review and a summary of any comments made by the committee.

33.5(2) Applications for all grant programs shall be made on forms provided by the department. An original and five copies shall be submitted by deadlines as specified in subrule 33.5(4) of this chapter or as otherwise published by the department.

33.5(3) Applications shall provide sufficient detail as to clearly describe the scope of the project. Any application which is not complete at the time of project review and scoring, or for which additional pertinent information has been requested and not received, shall not be considered for funding.

33.5(4) Application deadlines are the same for county, city, and private open space grant programs. Applications will be reviewed and projects selected for funding one time each year in September. Applications must be received in acceptable form by the department by the close of business on the fifteenth day of August. Upon a 60-day notice to potential applicants, the department may schedule additional review and selection periods to expedite the distribution of grant funds.

33.5(5) Joint applications are permitted. One entity must serve as the primary applicant. Joint projects sponsored by entities competing for funds from different REAP accounts, e.g., a joint city/county project, are allowable. Applications must clearly spell out the respective shares of project costs to be derived from various REAP accounts if the project is approved for funding. Any cooperative agreement between joint applicants must be provided as a part of the application.

571—33.6(455A) Appraisals. Appraisal reports must be approved or disapproved in writing by the director. Grants may include incidental costs associated with the acquisition, including, but not limited to, costs for appraisals, abstracts, prorated taxes, deed tax stamps, recording fees and any necessary surveys and fencing.

571—33.7(455A) Groundwater hazard statements. Grantees must obtain a properly completed groundwater hazard statement on all proposed acquisitions before the acquisition is completed. The statement must be filed with the department and county recorder pursuant to Iowa Code section 558.69. Prior to the acquisition of any property that has an abandoned or unused well, hazardous waste disposal site, solid waste disposal site, or underground storage tank the grantee must file with the department a plan that details how these conditions will be managed to best protect the environment. This plan must be approved in writing by the director before the land is acquired.

571—33.8(455A) Rating systems not used. During any funding cycle when total grant requests are less than the allotment available, the rating system need not be applied. All applications will be reviewed by the appropriate committee for eligibility to ensure they meet minimum scoring requirements and to ensure consistency with program policy and purposes.

571—33.9(455A) Applications not selected for grants. All applications for projects considered eligible but not scoring high enough to be awarded a grant immediately will be retained by the department until two months prior to the next regular submittal date during which time they may be funded. If not approved for funding by that time, applicants will be notified by the department in writing. The original application will be returned to applicants only upon request. The applicant may resubmit the project or an amended version of the project for scoring and consideration during the next application cycle by resubmitting an original or amended application and five copies by the respective deadline.

571—33.10(455A) Similar development projects. An application for a development project grant may include development on more than one area if that development is of a like type (e.g., tree and shrub plantings).

571—33.11(455A) Commission review and approval. The director will present the recommendations of the appropriate project review and selection committee in recommended funding order to the natural resource commission at its next meeting following the ranking of projects for funding. The commission may approve or disapprove funding for any project on the list. The commission may change the order of the list. Reasons for change or rejection of any recommended project must be included in the motion to change the order of the list or reject any project.

571—33.12(455A) Timely commencement and completion of projects. Grant recipients are expected to commence and complete projects in a timely and expeditious manner. A project period commensurate with the work to be accomplished will be established and included in the project agreement. Project sponsors may receive up to 90 percent of approved grant funds at the start of the project period. Failure to initiate the project or to complete it in a timely manner may be cause for termination of the project, return of unused grant funds at the time of termination, and cancellation of the grant by the department.

571—33.13(455A) Waivers of retroactivity. Normally grants for acquisitions or developments completed prior to application scoring will not be approved. However, an applicant may make written request for a waiver of retroactivity to allow project elements to be considered for grant assistance. Waivers will be granted in writing by the director and receipt of a waiver does not ensure funding, but only ensures that the project will be considered for funding along with all other applications.

571—33.14(455A) Project amendments. Projects for which grants have been approved may be amended, if funds are available, to increase or decrease project scope or to increase or decrease project costs and grant amount. All amendments must be approved by the appropriate project review and selection committee and by the director. Amendments which result in an increase in the cost of the project in excess of \$25,000 or 25 percent of the approved cost, whichever is greater, or which involve a change in the project purpose also must be approved by the commission.

571—33.15(455A) Payments. Ninety percent of approved grant amounts may be paid to project sponsors when requested, but not earlier than start-up of the project. Ten percent of the grant total shall be withheld by the department pending successful completion and final inspection, or until any irregularities discovered as a result of a final site inspection have been resolved.

571—33.16(455A) Record keeping and retention. Grant recipients shall keep adequate records relating to the administration of a project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor's office. All records shall be retained in accordance with state laws.

571—33.17(455A) Penalties. Whenever any property, real or personal, acquired or developed with resource enhancement and protection funds passes from the control of the grantee or is used for purposes other than the approved project purpose, it will be considered an unlawful use of the funds. If a grantee desires to use the approved funds for a purpose other than the approved project purpose that is an approved use of funds under the provisions of Iowa Code chapter 455A and these rules, the grantee shall seek an amendment to the project purpose by following the provisions of 33.14(455A). The department shall notify the grantee of any such violation.

33.17(1) Remedy. Funds used without authorization, for purposes other than the approved project purpose, or unlawfully must be returned to the department for deposit in the account of the resource enhancement and protection fund from which they were originally apportioned. In the case of diversion of property acquired with resource enhancement and protection fund assistance, property of equal value at current market prices and with similar open space benefits may be acquired with local, non-grant funds to replace it. Such replacement must be approved by the appropriate review and selection committee and the director. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of two years after notification by the department in which to correct the unlawful use of funds. The remedies provided in this subrule are in addition to others provided by law.

33.17(2) Land disposal. Whenever the department, and, if a city or county, the grantee, determine that land acquired or developed with resource enhancement and protection fund assistance is no longer of value for the program purposes, or that the grantee can show good cause why the land should no longer be used in accord with the approved project purpose; the land may be disposed of with the director's approval and the proceeds therefrom used to acquire or develop an area of equal value, or all grant funds shall be returned to the state for inclusion in the account from which the grant was originally made. If land acquired through the private grant program is determined to be no longer of interest by the state, the proposed dispersal of the property shall be reviewed by the grantee, and the grantee shall have the first right of refusal on an option to take title to the property in question.

33.17(3) Ineligibility. Whenever the director determines that a grantee is in violation of this rule, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the commission.

571—33.18(455A) Rescinded IAB 6/4/97, effective 7/9/97.

571—33.19(455A) Property tax reimbursement. Political subdivisions of the state shall be reimbursed for property tax dollars lost to open space acquisitions made under the private cost-sharing program specified in part 4 of these rules based on the reimbursement formula provided for in Iowa Code section 465A.4.

571—33.20(455A) Public hearing. Any project in excess of \$2 million must be the subject of a public hearing in the area of the state affected by the project before funds can be obligated to the project.

571—33.21(455A) Conflict of interest. If a project is submitted to a review and selection committee by a city, conservation board or private conservation interests, one of whose members or employees is on the review and selection committee, that individual shall not participate in discussion on and shall not vote on that particular project.

571—33.22(455A) Public communications. Grant recipients shall participate in public communications activities to inform the public of the REAP program and of their particular project. The project will not be considered successfully completed, for purposes of 571—33.15(455A), until evidence is provided to the department REAP coordinator that the following requirements have been met. The remaining 10 percent payment of the grant total will not be issued until such evidence has been provided. Evidence includes but is not limited to photographs showing sign placement, newspaper or magazine clippings, printed brochures or fliers available to the public, exhibits for public display and other related materials. Information gathered from site inspections by the department may also be considered acceptable evidence.

33.22(1) Signs. Grant recipients are required to adequately display the 12-inch by 12-inch REAP signs, provided by the department at no charge, on project locations where appropriate so that users of the project can readily see that REAP is at least partially responsible for the project. The REAP signs will be maintained and replaced as necessary as long as the department has signs available.

33.22(2) Dedication ceremony. Grant recipients shall hold a public meeting or event to dedicate the project. Information provided during the event shall include information in regard to the REAP program and its role in supporting the project. This information shall also be provided to local news media by use of a news release. Local and state elected officials shall be invited to attend and participate.

33.22(3) Grants include public communications plan. A description of the public communications plan shall be included in every project submitted as a grant request. Grant recipients shall carry out the plan if their project is funded.

571—33.23 to 33.29 Reserved.

Part 2 COUNTY GRANTS

571—33.30(455A) County conservation account. All funds allocated to counties under this program may be used for land easements or acquisitions, capital improvements, stabilization and protection of resources, repair and upgrading of facilities, environmental education, and equipment; except as restricted by 33.4(455A).

33.30(1) Allocation of funds. The first \$350,000 in the resource enhancement and protection fund is allocated annually to the conservation education board and 1 percent of the revenues to the fund are allocated to the administration fund. Twenty percent of funds remaining after that allocation shall be allocated to the county conservation account. That 20 percent shall be distributed to counties as follows:

- a. Thirty percent equally to each county
- b. Thirty percent based on county population
- c. Forty percent on a competitive grant basis

In determining the amount to be allocated to each county based on population, the department will use the most current census data available from the department of economic development.

33.30(2) Expenditure guidelines. All expenditures shall be in accord with the policy stated in 33.2(455A) and subject to the restrictions stated in 33.4(455A). Expenditure of funds for personnel costs from 33.30(1)“a” and “b” is allowable, but only when personnel are clearly directed toward the purpose and policy of the resource enhancement and protection program. No personnel costs are allowable under 33.30(1)“c” grant program.

Up to 20 percent of a total project’s cost under 33.30(1)“c” may be used to cover costs of engineering and design work or other consultant fees directly associated with the project.

33.30(3) *Project planning and review committee.* The makeup of this committee is as follows: two representatives of the department appointed by the director; two county conservation board directors appointed by the director of the department with input from the Iowa Association of County Conservation Boards; one member selected every three years by a majority vote of the director's appointees. The members shall select a chairperson at the first meeting during each calendar year. Terms of appointment to the committee shall be on a three-year staggered term basis.

33.30(4) *Project selection criteria.* Under the competitive grants program, a project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. Criteria and scoring systems must be distributed to all counties at least 90 days prior to project application deadline. Criteria will be reviewed at least annually to determine if amendments are needed. Criteria and weight factor(s) shall include, but are not limited to, the following:

- a. Public demand or need. (2)
- b. Project uniqueness. (2)
- c. Quality of site or project, or both. (3)
- d. Urgency of proposed action. (2)
- e. Multiple benefits to be provided. (2)
(This includes multiple recreational benefits, environmental quality benefits, and other similar benefits.)
- f. Relationship to the Iowa statewide comprehensive outdoor recreation plan, Iowa open spaces protection plan and other current and relevant state, regional and local plans. (4)
- g. Quality of public communications plan. (1)
- h. Economic benefits to local, regional or state area. (1)
- i. Geographic distribution. (1)

33.30(5) *Availability of funds.* Those funds allocated on a per capita basis and those awarded in the competitive grant program shall be allocated only to counties dedicating property tax revenue at least equal to 22¢ per \$1000 of the assessed value of the county's taxable property to conservation purposes. Annual certification from the county auditor of each county shall be made on forms provided by the department. The certification shall include information on total assessed value of taxable property in the county; budget of the county conservation board, including a distinction of that which is derived from sources other than property taxes; a schedule of expenditures and staffing. A copy of this certification must be filed with the director. Resource enhancement and protection program funds received shall not reduce or replace county tax revenues appropriated for county conservation purposes.

a. The term "county conservation purposes" includes and is limited to the following activities and responsibilities:

(1) Operation and maintenance of real property and equipment under the jurisdiction and control of the county conservation board, and utilized by the public for museums, parks, preserves, parkways, playgrounds, recreational centers, county forests, county wildlife areas, establishment and maintenance of natural parks, multipurpose trails, rest room facilities, shelter houses and picnic facilities and other county conservation and recreational purposes as provided in Iowa Code section 350.4.

(2) The acquisition and development of real estate utilized for purposes authorized by Iowa Code chapter 350. The cost of planning, engineering or architectural services directly related to acquisition and development is allowable as a county conservation purpose.

(3) The county conservation board's share of joint operations of facilities and programs as described in Iowa Code section 350.7. The cost of the county's weed control program, as required by Iowa Code chapter 317, may specifically be included as a county conservation purpose if the county conservation board director or a member of the county conservation board staff is appointed county weed commissioner by the board of supervisors, and is given full authority to plan and accomplish an environmentally sound vegetative management program.

(4) The administration of the county conservation program including and limited to the expenses of board members, salary and expenses of the county conservation board director, and related clerical, technical and support costs charged directly to the county conservation board's budget.

(5) Any reimbursement from the county conservation board's budget for the actual expense of county-owned equipment, use of county equipment operators, supplies, and materials of the county, or the reasonable value of county real estate made available for the use of the county conservation board as provided by Iowa Code section 350.7. Such reimbursements shall be supported by daily time and activity records detailing the hourly charge for equipment and operator use, the specific quantities and cost of materials used, or a fee appraisal prepared by an independent fee appraiser and approved by the director.

(6) No other costs, including indirect costs as computed for purposes of federal grant programs or distribution of general county overhead, are allowable as a county conservation purpose.

b. Reserved.

33.30(6) *Certification procedures.* The annual certification that a county is dedicating property tax revenue at least equal to 22¢ per \$1000 of the assessed value of the county's taxable property to conservation purposes shall be submitted by the county auditor to the department on forms provided by the department. Certification is based upon actual expenditures for conservation purposes during the previous fiscal year. Submission of a certification by October 1 of any year will qualify the county for per capita funds held in reserve for that county and establish eligibility for participation in the competitive grant program. The certification will remain in effect through June 30 of the following year. Counties that fail to meet this requirement for any given fiscal year are ineligible for that fiscal year. A county that is ineligible can reestablish eligibility for a future fiscal year through the certification process.

The levy of property taxes for county conservation board purposes shall be calculated in the following manner. First, the actual expenditures for all county conservation purposes for the fiscal year shall be determined. Next, the total of all receipts derived from county conservation activities and all grants and donations received or billed for from whatever source for county conservation purposes shall be determined. The total of all receipts and grants shall then be subtracted from the total expenditures. This result shall then be divided by the total taxable value of all county property to determine the amount per thousand utilized to support county conservation purposes.

Transfers of property tax receipts to the reserve account established under Iowa Code section 350.6 shall be included as expenditures in the fiscal year that transfers occur for purposes of the calculation of the certified levy. Withdrawals from the reserve account and expenditures and receipts reflected in the special resource enhancement account created as provided in Iowa Code section 455A.19 shall not be included in the calculation of the certified levy.

If a dispute arises over the appropriateness of a county expenditure as a county conservation purpose or the accuracy and correctness of the certified levy by the county auditor, the director shall notify the state auditor and request that a recommendation be included in the next audit report. Upon receipt of the audit report, the director shall make a final determination and adjust subsequent distributions to the county or request reimbursement from the county as necessary.

33.30(7) *Fund distribution schedule.* Funds from the county resource account which are distributed on a per capita and per county basis shall be distributed by the department to each eligible county quarterly.

33.30(8) *Special account.* Each county board of supervisors shall create a special resource enhancement account in the office of the county treasurer and the county treasurer shall credit all resource enhancement and protection funds from the state to that account.

REAP funds received by the county shall not be used to fund any program or activity that was funded in prior years by other county revenues. Expansion of previously funded programs is permitted. Each county board director, as part of financial documentation regarding the special resource enhancement and reserve accounts, shall document that county expenditures of REAP funds supported only programs and activities not funded in prior years by county revenues other than REAP funds. For purposes of this documentation, expenditures from the special resource enhancement account for land acquisition shall be viewed as a new program and not a continuation of previous land acquisition programs. Expenditures from the special resource enhancement account for routine maintenance of facilities must involve only facilities previously constructed or otherwise acquired with REAP funds. REAP funds may be used for renovation, expansion or upgrading of facilities regardless of the source of funding for the original facilities, except as prohibited by rule 33.4(455A). Likewise, expenditures from the special resource enhancement account for equipment, supplies, materials, or staff salaries must directly relate to the establishment or expansion of programs or activities with REAP funds, and such programs or activities shall not have been previously funded with other county revenues.

Failure to adequately document expenditures from the special resource enhancement account or to provide the documentation as previously described regarding these expenditures upon request by the state auditor or department staff will result in the county losing its eligibility to receive per capita and competitive grants from the REAP program for a period of one to three years. A county which loses its eligibility may reestablish its eligibility by certifying that the county tax dollars dedicated to county conservation purposes during the previous fiscal year were at least 22¢ per \$1000 of assessed taxable property.

33.30(9) *Grant application schedule.* Rescinded IAB 12/26/90, effective 1/30/91.

571—33.31 to 33.39 Reserved.

Part 3
CITY GRANTS

571—33.40(455A) *Competitive grants to cities.* Fifteen percent of available funds in the resource enhancement and protection fund (after the \$350,000 annual allocation to the conservation education board and 1 percent of revenues to the fund are allocated to the administration fund) shall be allocated annually to the city park and open spaces grant account. That 15 percent shall be divided into three portions according to the percent of the state's urban population in each category, with each portion available on a competitive basis to cities falling within one of the following three size categories:

Cities of less than 2,000

Cities between 2,000 and 25,000

Cities larger than 25,000

Funds shall be initially apportioned to each category as per this rule. If at the time of project review and scoring there are funds available in any category which exceed the requests for grants in that category, those funds may, at the director's discretion, be transferred to another category where requests exceed the funds available.

33.40(1) Eligible projects. Grants for up to 100 percent of project costs made to cities may be used for the acquisition, establishment and maintenance of natural parks, preserves and open spaces.

Grants may include expenditures for multipurpose trails, rest room facilities, shelter houses and picnic facilities, museums, parks, preserves, parkways, city forests, city wildlife areas as well as other open space-oriented acquisition and development projects, subject to the restrictions in rule 33.4(455A).

33.40(2) Eligible sponsors. Any incorporated city or town in the state may make application for a grant.

33.40(3) Grant ceilings. Incorporated cities and towns are eligible to receive annual grants from the resource enhancement and protection fund in accordance with the following schedule:

Population	Maximum
0 — 1,000	\$ 50,000
1,001 — 5,000	75,000
5,001 — 10,000	100,000
10,001 — 25,000	125,000
25,001 — 50,000	150,000
50,001 — 75,000	200,000
over 75,000	300,000

The grant ceiling may be waived upon approval by the director if (1) the project is regional in nature or is projected to serve a minimum of 100,000 people; or (2) the project cannot be staged over a multi-year period so that a separate grant application might be submitted each year.

33.40(4) Review and selection committee. The director shall appoint a five-member review and selection committee to evaluate project applications. This committee shall include one member representing each of the three size classes of cities (e.g., one from a city of less than 2,000, one from a city of 2,000 to 25,000, and one from a city of over 25,000). The director shall request a list of candidates from the league of Iowa cities and Iowa parks and recreation association. The remaining two members of the committee shall be a representative of the department and an at-large member. The committee shall elect its own chairperson from its members. Members shall serve three-year staggered terms.

33.40(5) Criteria for project evaluation. Criteria and weight factors to be used in scoring projects shall include, but are not limited to, the following:

- a. Quality of site or project, or both. (3)
- b. Direct recreational benefits. (2)
- c. Local need. (2)
- d. Number of people benefited. (2)
- e. Relationship to Iowa state comprehensive outdoor recreation plan, Iowa open spaces protection plan and other current and relevant state, regional and local plans. (4)
- f. Environmental benefits. (2)
- g. Quality of public communications plan. (1)

Up to 2 bonus and 3 penalty points may also be assigned based on prior grants, the size and number of grants already underway or approved within the applicant's community, or performance on past projects.

33.40(6) Grant application schedule. Rescinded IAB 12/26/90, effective 1/30/91.

571—33.41 to 33.49 Reserved.

Part 4
PRIVATE GRANTS

571—33.50(455A) Private cost-sharing program. At least 10 percent of the funds placed in the open spaces account shall be made available for cost sharing with private entities for cost sharing at a maximum level of 75 percent.

33.50(1) Protection defined. Protection is defined as the purchase of all or a portion of the rights associated with ownership of real property so as to ensure that open space values associated with that property are protected in perpetuity. Protection methods, in order of preference, include, but are not limited to, fee title acquisition, purchase of easements, or other mechanisms that provide long-term assurance of open space protection. Title for acquired properties shall be vested in the state of Iowa, and projects must be consistent with priorities established in the department of natural resources publication "Land Acquisition Programs and Priorities."

33.50(2) Eligibility to participate. Any trust, foundation, incorporated conservation organization, private individual, corporation or other nongovernmental group able to provide funds or interest in land sufficient to equal at least 25 percent of a proposed protection project may submit or cause to have submitted a project for funding consideration. Except however, a private organization established to benefit a specific governmental entity is not eligible to submit a project. Governmental entities are also not eligible to submit a project.

33.50(3) Grant amount. The department will provide grants for up to 75 percent of the appraised cost of the land plus incidental acquisition costs. Costs in excess of these must be borne by the grantee.

33.50(4) Project review and selection committee. The director shall appoint a committee to review and score projects. The committee shall include the following: three persons representing the private sector selected from a pool of potential names as submitted by the various private eligible groups; administrator of the conservation and recreation division of the department, or the administrator's designee; and the bureau chiefs of the department's forestry bureau and parks and preserves bureau or their designees. The committee shall elect its own chairperson from its members. The director shall request a list of candidates for the private sector members from groups eligible to participate in this program.

The committee will report to the director the order in which proposed projects were ranked using criteria as specified in 33.50(5).

33.50(5) Criteria. The following criteria and their respective weights shall be used by the committee, along with other criteria which are determined by the committee to be relevant.

- a. Level of significance. (3)
- b. Resource representation. (3)
- c. Level of threat. (3)
- d. Relationship to existing public land. (3)
- e. Relationship to state comprehensive outdoor recreation plan, Iowa open spaces protection plan and other current and relevant state, regional and local plans. (3)
- f. Rare or unique species or communities. (2)

- g. Public benefits. (2)
- h. Tourism and economic development potential. (1)
- i. Geographic distribution. (1)
- j. Multiple use potential. (1)
- k. Available funds relative to project costs. (1)
- l. Quality of public communications plan. (1)

33.50(6) *Department rejection of applications.* The director may remove from consideration by the project review and selection committee any application for funding the acquisition of property that the department determines is not in the state's best interest for the department to manage. The department's basis for determining such interest may include, but not be limited to, inaccessibility to the project area, environmental contamination and unacceptable use restrictions, management cost, the proximity to other governmental entities which may impose use restrictions or special tax assessments on the area, or lack of conformance with priorities established in the department's "Land Acquisition Programs and Priorities" document. Examples of use restrictions can include prohibitions on hunting, trapping, timber harvest, vegetation management, and easements which affect the range of public use and activities which could otherwise be allowed.

33.50(7) *Certification of availability of funds.* Applicants must certify at the time of application that sufficient funds, land, letter of credit, or other acceptable financial instrument is available from private sources to cover the private share of the project.

33.50(8) *Project submission.* Rescinded IAB 12/26/90, effective 1/30/91.

33.50(9) *Acquisition responsibilities and process.* The grantee is responsible for obtaining an appraisal that is approvable by the department and for obtaining the director's written approval of that appraisal.

The grantee is responsible for negotiating an option to purchase the property with the seller. If the option contains any requirements for action by the department or restrictions on the use of the land, those requirements or restrictions must be approved by the director and the commission before they are incorporated into the option.

The grantee is responsible for closing the transaction, recording the transaction with the appropriate county recorder, and providing the department with a copy of the deed naming the department as owner and a title vesting certificate. The commission may, under special conditions, allow title to be vested in the name of a city or county. Necessary assurances may include the placement of special conditions on that title, the existence of an approved, long-term management agreement or other measures as deemed appropriate by the commission. The department may provide assistance at the request of the grantee, or at the director's recommendation.

These rules are intended to implement Iowa Code chapter 455A.

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